

REMARKS

The above amendments and following remarks are responsive to the Office Action of October 19, 2004. Reconsideration of the application as amended and a notice of allowance are respectfully solicited.

The Examiner has rejected claims 1-5 and 11 under 35 U.S.C. §101 because the Examiner asserts that claims 1 and 11 only recite abstract ideas. Applicant has amended claims 1 and 11 to include hardware with which the process of the claims is implemented to obviate the rejections.

Claims 1-5 and 11 have been rejected under 35 U.S.C. §112, first paragraph because the Examiner is unable to identify, and requests that Applicant identify, support in the specification for: (1) information obtaining device; (2) the estimate creating device; (3) the database for storing setting information; and (4) the estimation transmission device. Applicant finds support for these limitations as follows: (1) support for the information obtaining device is disclosed on page 40, 2nd paragraph; (2) support for the estimate creating device is disclosed in page 42, 2nd and 3rd paragraphs; (3) support for the database for storing setting information is found in page 41, 2nd and 3rd paragraphs; and (4) support for the estimation transmission device is on page 44, 3rd paragraph and illustrated in Figure 15.

The Examiner has rejected claims 1-5 and 11 under 35 U.S.C. §102 (e) as being anticipated by DeAngelis et al. (U.S. Patent No. 6,247,994). This rejection, however, cannot be sustained against any claim unless DeAngelis teaches each limitation recited the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) ("a claim is anticipated only if each and every element as set forth in the claim" is found in the cited prior art reference). Based on this requirement, Applicant provides the following analysis and traverse.

As recited in amended Claim 1, a user can obtain a clue for setting parameters affecting motion control of the driving machine from the server through the user terminal. Accordingly, even where there are many related parameters, the user can determine whether the specified parameter settings will provide the desired control of the driving machine. For example, page 29 of the specification discloses four parameters affecting motion control of moving machine, that is, "SUS F" and "SUS R" for setting hardness of a front suspension and a rear suspension of the moving machine respectively, "BRAKE" for setting brake performance of the moving machine, and "TURBO" for setting acceleration and the maximum speed of moving machine.

As compared to the claimed invention, DeAngels fails to disclose parameters that are controllable by a user in relation to motion control of a

driving machine. DeAngels also fails to teach identifying parameters from received data and analyzing the parameters to determine the affect on the motion control of the driving machine or determining how the data can be altered to affect the performance of the driving machine as claimed by Applicant.

Rather, DeAngels teaches at column 21, line 41, et seq., judging whether an accessory 500 is "smart" or "dumb" depending on the ability of the accessory to return data to the microcontroller 94 of the central station 64. Aside from this judgment, DeAngels teaches at column 32, line 33 et seq., directly applying the received data for controlling the driving machine.


Yet further, while Applicant claims a transmission device for displaying the estimation and clues for setting the parameters, DeAngels fails to teach or disclose such a device for displaying the accessory judgments to the user.

Based on the comparison between the claimed recitations and DeAngels, DeAngels fails to teach the estimation creating device, the estimation transmission and the user controllable parameters that affect the motion control as recited in independent claims 1 and 11. Accordingly, Claims 1 and 11 are patentable over DeAngels. *Verdegaal Bros.*, 814 F.2d at 631. As claims 2 and 3 depend from Claim 1, the claims are patentable therewith. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 234 F.3d 558 (Fed. Cir. 2000) (a claim that depends from a prior claim incorporates all the limitations of that claim).

Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$120.00 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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